



418003

STATE OF INDIANA	}	SS:	IN THE ELKHART SUPERIOR COURT 2
COUNTY OF ELKHART			CAUSE NO 20D02-1106-PL-37
LEO VANNORMAN, et al.,	)		
	)		
Plaintiffs,	)		
	)		
vs.	)		
	)		
FLEXSTEEL INDUSTRIES, INC., LDL REALTY	)		
COMPANY, LLC., DAVID DYGERT AND	)		
PHYLLIS B. DYGERT,	)		
	)		
Defendants.	)		

**AMENDED RESPONSES OF DEFENDANT, FLEXSTEEL INDUSTRIES, INC.  
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Defendant Flexsteel Industries, Inc. ("Flexsteel"), through counsel, and pursuant to Indiana Trial Rule 33, provides this Amended Response to Plaintiffs' *First Set of Interrogatories* as follows:

**GENERAL OBJECTIONS**

1. Flexsteel incorporates the general objections made in its June 13, 2011 *Responses* to Plaintiffs' *First Set of Interrogatories*.

**FLEXSTEEL'S AMENDED RESPONSES TO PLAINTIFFS' FIRST  
INTERROGATORIES**

**Interrogatory No. 25.** Are YOU aware of any use of trichloroethylene ("TCE"), or any material containing TCE, at the FACILITIES between 1983 to present? If so, describe all such uses.

**RESPONSE:**

Flexsteel is not aware of any bulk purchases of TCE or any product containing TCE at any point in time for use at either the Marina Drive or Cooper Drive manufacturing sites.

Flexsteel knows of only three products used at the Cooper Drive and/or Marina Drive manufacturing sites, at any time, that reportedly contained any amount of TCE. In all instances, the products were available from the hardware store and/or in containers sized for individual/household consumer use. Based on information known to date, is my understanding that these products were not used in the every-day manufacturing operations of the Dygert Seating Division of Flexsteel. Rather, these products were used for maintenance activities or for product design and development. These products were:

(1) an aerosol spray that reportedly contained some TCE was purchased in 16 oz. aerosol spray cans was used to periodically clean the cutters. I am advised that this maintenance product would quickly evaporate upon being sprayed.

(2) A TCE-based paint thinner/stripper that Jerry Alexander reportedly purchased in approximately 1996 from the hardware store in an individual/household consumer sized container, in conjunction with painting doors at the Marina Drive manufacturing site, and was allowed to evaporate thereafter; this occurred before Flexsteel purchased limited assets of the bankrupt entity, Dygert Seating, Inc.

(3) A product called 604 High Temperature Flexible Foam Adhesive, which was an adhesive that came in an aerosol spray can. I am advised that the product formulation for this aerosol spray adhesive contained less than ½ an ounce of TCE, which would evaporate upon contact with the air.

**Interrogatory No. 26.** Are YOU aware of any use of tetrachloroethylene ("PCE"), or any material containing PCE, at the FACILITIES between 1983 to present? If so, describe all such uses.

**RESPONSE:**

Flexsteel is not aware of any bulk purchases of PERC or any product containing PERC, at any point in time, for use at either the Marina Drive or Cooper Drive manufacturing sites.

Flexsteel knows of only one product reportedly used at the Cooper Drive and/or Marina Drive manufacturing sites, at any time, that reportedly contained any amount of PERC. The product was called "604 Hi-Temp Aerosol Adhesive," and was an aerosol spray adhesive which was formulated with less than ½ an ounce of PERC. Based on information known to date, this aerosol spray adhesive was reportedly purchased for limited use by the research and design employees for prototyping the build of a seat, and was not used in manufacturing processes.

Verification

I, Carl Breen, Corporate Controller for Flexsteel Industries, Inc., hereby certify that I am authorized to sign this Verification on behalf of Flexsteel Industries, Inc.; that while I do not have personal knowledge of all of the facts recited in the Answers of Defendant, Flexsteel Industries, Inc. to Plaintiffs' First Set of Interrogatories, I have been informed that the responses were prepared with the assistance and advice of counsel and that they are based on information collected by others at or on behalf of Flexsteel Industries, Inc. and that said responses are true to the best of my knowledge, or information and belief.

6/28/11  
Date

Carl Breen  
Carl Breen, Corporate Controller  
On behalf of Flexsteel Industries, Inc.

As to Objections,

Kelly Hartzler  
Robert G. Devetski (#13957-71)  
Kelly J. Hartzler (#24929-20)  
BARNES & THORNBURG LLP  
100 North Michigan, 6<sup>th</sup> Floor  
South Bend, IN 46601  
Telephone (574) 233-1171  
Fax (574) 237-1125

*Attorneys for Flexsteel Industries, Inc.*

### CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document has been served upon the following, by depositing the same in the United States mail, postage prepaid, this 30th day of June, 2011.

John D. Ulmer  
YODER, AINLAY, ULMER, &  
BUCKINGHAM, LLP  
130 N. Main Street  
Goshen, IN 46527  
*Attorney for Plaintiffs*

Thomas A. Barnard  
Rodney L. Michael, Jr.  
TAFT STETTINIUS & HOLLISTER LLP  
One Indiana Square, Suite 3500  
Indianapolis, IN 46204  
*Attorneys for Plaintiffs*

Philip E. Kalamaros, Esq.  
HUNT SUEDHOFF KALAMAROS LLP  
301 State Street, 2nd Floor  
P.O. Box 46  
St. Joseph, MI 49085-0046  
*Attorney for Travelers Property Casualty  
Company of America*

James F. Groves  
LEE, GROVES AND ZALAS  
205 West Jefferson Boulevard, Suite 502  
South Bend, IN 46601  
*Attorney for Dave & Phyllis Dygert*

John H. Lloyd  
Stephen A. Studer  
Michael Schmidt  
KREIG DEVAULT LLP  
4101 Edison Lakes Parkway, Suite 100  
Mishawaka, IN 46545  
*Attorneys for LDL Realty, LLC & Heritage  
Financial Group, Inc.*

  
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Kelly G. Hartzler